IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3725 of 2007()

CRIME NO.83 OF 2007 OF CHITTARICKAL POLICE STATION

: PETITIONER/ACCUSED:

AJO P.J., AGED 27 YEARS,
S/O. JOY, RESIDING AT CHULLI, ELERITHATTU,
WEST ELERI VILLAGE, HOSDURG TALUK,KASARGOD DIST.

BY ADV. SRI.T.MADHU

RESPONDENTS: STATE:

THE STATION HOUSE OFFICR,
CHITTARIKKAL POLICE STATION, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3725 of 2007

Dated this the 20th day of June, 2007

ORDER

Application for anticipatory bail. The defacto complainant had lodged the F.I statement on coming to know that some persons had broken the lock of his house and entered the same during his absence. No theft whatsoever has been committed and the police till now do not have a case that there has been any article lost or thieved from the house. The police suspect that the petitioner had entered the house and the suspicion is only that he had trespassed into the house to make use of the telephone to make a call to the sister of the defacto complainant. This is, according to the learned Public Prosecutor , the nature of facts revealed in the investigation so far.

2. The learned counsel for the petitioner submits that the allegations are totally false and incorrect and are raised solely for the purpose of vexing and harassing the petitioner. The petitioner has no criminal antecedents whatsoever. In these circumstances, the petitioner may be saved of the undeserved trauma of arrest and incarceration in prison.

3. The learned Public Prosecutor does not oppose the application, but insists that appropriate conditions may be imposed, which would ensure the interests of a fair, efficient and expeditious

investigation. The petitioner has to be interrogated to ascertain further details, submits the learned Public Prosecutor.

4. I am satisfied, in the facts and circumstances of this case, that directions under Section 438 Cr.P.C can be issued in favour of the petitioner subject to appropriate conditions.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 27.06.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 28.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month and thereafter he shall make himself available for interrogation as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 27.06.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 27.06.07.

(R.BASANT, JUDGE)

rtr/-